

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/772,702	HARTSELL, CLIFF	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrea M. Valenti	3643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 19 December 200.
2. ☒ The allowed claim(s) is/are 1-4, 8-22 and 25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher L. Makay on 13 February 2006.

The application has been amended as follows:

Claim 1, line 4, "a roof assembly including an impervious sheet that shields the fowl from the elements," was changed to --a roof assembly comprising a roof structure and an impervious roof substantially completely covering the roof structure,--

Claim 1, line 7, "a horizontal support secured between adjacent uprights, wherein" was changed to --a horizontal support secured between adjacent uprights and above the roof assembly, wherein--

Claim 1, line 11, "one of adjacent radial supports," was changed to --one of adjacent radial supports thereby creating a web of circumferential supports,--

Claim 2, line 1, "wherein the food items" was changed to --wherein food items--

### ***Allowable Subject Matter***

Claims 1-4, 8-22, 25 are allowed.

The following is an examiner's statement of reasons for allowance:

Cited references U.S. Patent No. 6,612,257; U.S. Patent No. 2,355,008; U.S. Patent No. 4,074,682; U.S. Patent No. 5,285,804; U.S. Patent No. 2,879,553; U.S.

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Patent No. 684,086; U.S. Patent No. 2,302,650; U.S. Patent No. 2,349,993; U.S. Patent Pub. No. US 2002/0069904; German Patent DE 4114414; U.S. Patent No. 4,528,865; U.S. Patent No. 3,717,126; U.S. Patent No. 4,144,842; U.S. Patent No. 5,924,380; U.S. Patent No. 4,982,702; U.S. Patent No. 1,975,866; U.S. Patent No. 3,902,460; U.S.

Patent Pub. No. US 2004/0221817; U.S. Patent No. 3,017,858; U.S. Patent No.

2,618,237; U.S. Patent No. 3,901,192; U.S. Patent No. 6,318,290; Kosciuk, James R.

and Peloquin, E. Paul. 1986. "Elevated Quail Roosts: Section 5.1.5, US Army Corps of

Engineers Wildlife Resources Management Manual," Technical Report EL-86-18, July

1986, 19 pages total including title pages and abstract; Bobwhite Quail Management, by

H. Lee Stribling, Extension Wildlife Scientist, Auburn University,

<http://www.pointingdogs.com/LM/Quail+Management.htm>, 24 December 2002 (retrieved from internet 15 February 2005). 5 Pages; Management for Bobwhite Quail, By Charles

W. Ramsey, Extension Wildlife Specialist, The Texas A&M University System,

<http://wildlife.tamu.edu/publications/Ao71.pdf>, 22 December 2003 [retrieved from internet

15 February 2005] 4 pages; Woodland Fish and Wildlife, Quail on Small Woodlands,

published July 1996, <http://www.dfw.state.or.us/public/woodlandarc/quail.pdf> [retrieved

from internet 15 February 2005] 8 pages; Walnut Creek Open Space Foundation, Quail

Habitat Project, [http://www.wcosf.org/activities/quail\\_habitat.shtml](http://www.wcosf.org/activities/quail_habitat.shtml), 17 December 2003

[retrieved from internet 15 February 2005] 4 pages, these references teach fowl

retention systems with protective structures, habitat strips, and water supply stations.

The cited references teach a plurality of uprights, a cover placed over the structure, and radial supports.

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However, the prior art of record all fails to show, and fails to make obvious, either alone and/or in combination a fowl retention system comprising a roof assembly comprising an impervious roof substantially completely covering a roof structure and that the roof assembly is suspending from the uprights; a horizontal support secured between the adjacent uprights and above the roof assembly; circumferential supports secured between all but one of adjacent radial supports thereby creating a web of circumferential supports; a cap secured to the horizontal supports and a cover placed over both the circumferential supports and the cap support.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrea M. Valenti  
Patent Examiner  
Art Unit 3643

14 February 2006